

HOUSE BILL NO. 208

INTRODUCED BY K. WAGONER, D. KARY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ETHICS AND STANDARDS OF  
5 CONDUCT FOR PUBLIC OFFICIALS AND PUBLIC EMPLOYEES; PROVIDING THAT IT IS UNLAWFUL TO  
6 RETALIATE AGAINST A PERSON WHO ALLEGES WASTE, FRAUD, OR ABUSE; AND PROVIDING A  
7 PENALTY FOR CIVIL LIABILITY AND REMEDIES."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. Section 1. Retaliation unlawful -- ~~penalty~~ CIVIL LIABILITY -- REMEDIES -- STATUTE OF  
12 LIMITATIONS. (1) It is unlawful for a state agency, state officer, public officer, or public employee to retaliate  
13 against, or to condone or threaten retaliation against, an individual who, IN GOOD FAITH, alleges waste, fraud, or  
14 abuse.

15 (2) For purposes of this section, "retaliate" means to take any of the following actions against an  
16 individual because the individual, IN GOOD FAITH, alleged waste, fraud, or abuse:

- 17 (a) terminate employment;
- 18 (b) demote;
- 19 (c) deny overtime, benefits, or promotion;
- 20 (d) discipline;
- 21 (e) decline to hire or rehire;
- 22 (f) threaten or intimidate;
- 23 (g) reassign to a position that hurts future career prospects; ~~or~~
- 24 (h) reduce pay, work hours, or benefits; OR
- 25 (I) TAKE ANOTHER ADVERSE PERSONNEL ACTION.

26 (3) An individual ~~convicted of a violation of this section shall be imprisoned for a term not to exceed 5~~  
27 ~~years or fined an amount not to exceed \$20,000, or both.~~ WHO VIOLATES A PROVISION OF THIS SECTION IS LIABLE IN  
28 A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION.

29 (4) REMEDIES AVAILABLE TO AN AGGRIEVED INDIVIDUAL FOR A VIOLATION MAY INCLUDE:

- 30 (A) REINSTATEMENT TO A LOST POSITION;



